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SUBJECT: UPDATE ON UN EFFORTS TO SET UP LEBANON TRIBUNAL

REF: A. REINEMEYER-KUMAR-WILLSON E-MAIL

- [1](#)B. BEIRUT 963
- [1](#)C. BEIRUT 1005
- [1](#)D. USUN 515

Classified By: Ambassador Alejandro D. Wolff, per 1.4 (b) and (d).

[1](#)1. (C) Summary. USUN Legal Adviser and Poloff met with UN Office of Legal Affairs (OLA) attorneys Mark Quarterman and Jerome de Hemptinne on July 12 to seek an update on efforts to establish the Special Tribunal for Lebanon. USUN Legal Adviser met separately with UN Legal Counsel Nicolas Michel to convey the information in refs A-C. Stressing the need to move quickly to maintain momentum behind the establishment of the tribunal, USUN officers urged prompt action on the location of the court, selection of judges, the budget, and security. Quarterman agreed that speed was critical and expressed hope that the venue could be announced and an initial budget presented in the SYG's 90-day report on implementation of resolution 1757, due in early September. He said the three potential host countries (the Netherlands, Germany, and Austria) had given the UN "not entirely negative" signals about their willingness to accept the tribunal. The UN has hired Robin Vincent, the former Registrar of the Sierra Leone court, to begin preparing a budget for the tribunal. Quarterman said the UN would move quickly to put in a process to appoint judges and a prosecutor, but he appealed to the USG to urge GOL officials to be realistic about the pace and the advisability of rushing these preparations. He agreed that tribunal judges and the prosecutor must be protected once they are appointed, but noted that before they become UN employees, other countries might have to step into fill the void. End Summary.

Budget: Getting Ready to Move Forward

[1](#)2. (C) Quarterman reported that OLA had hired Robin Vincent, the British national who formerly served as Registrar for the Sierra Leone tribunal, as well as another outside expert to begin preparing staffing tables and budget estimates for the Lebanon tribunal. Vincent is scheduled to start working in New York on July 16. While Vincent would have to wait until the tribunal's venue is determined before preparing a final cost estimate, Quarterman characterized the decision to hire him now as a positive step that put the UN in a position to move forward quickly once a venue is determined. Quarterman also said the UN fund to receive donor contributions for the tribunal had been established. The UN has also secured internal funds to cover setup costs (travel, salaries, etc.) until donors begin contributing into the tribunal-specific fund.

[1](#)3. (C) Quarterman said the UN had received written confirmation from the GOL to proceed with the steps necessary

to establish a management committee to oversee the work of the tribunal. He said this confirmation would enable the UN to proceed with establishing the committee even if there is a change in government in Beirut. Quarterman added, though, that the UN would likely wait to actually set up the committee until some of initial steps -- securing a location, preparing a budget, etc. -- have been taken. Predicting that the committee would include the major donors to the court, Lebanon, and other interested parties, he wondered whether it would also make sense to include those Council members who abstained on resolution 1757 as a way of bringing them into the process and securing their support. Quarterman promised to stay in touch with USUN on this question.

Venue: Announcement by September?

¶4. (C) Although he declined to divulge details, Quarterman said the UN had received "not entirely negative signals" from the three countries (the Netherlands, Germany, and Austria) it had approached to host the tribunal. He added that UN Legal Counsel Nicolas Michel had recently traveled to one of the three possible sites on other business but also met with officials to continue consultations on the tribunal with that government. (Note: USUN heard separately that UN Under Secretary-General for Safety and Security David Veness also

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recently traveled to The Hague to investigate the security implications of basing the Lebanon tribunal in that city. End Note.) Quarterman expressed hope that the UN would be able to decide on a venue by the time the Secretary-General is expected to submit his 90-day report on the implementation of resolution 1757 in early September.

Appointments: Lebanese Must Be Realistic

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¶5. (C) Judges: USUN Legal Adviser passed the information in ref A to Michel in a separate meeting on July 12. Michel offered no substantive response.

¶6. (C) Quarterman, noting that the UN would ordinarily have planned to appoint judges early next year when at least some of the funding is in place, said OLA had reconciled itself to accelerating that timeline in response to pressure from Lebanon. He indicated that the UN would soon send a letter to member states inviting nominations within sixty days for international judges to serve on the tribunal. Per the UN-GOL tribunal agreement, OLA would also solicit nominations from other qualified persons, such as international jurists. At the same time, the Secretariat would begin assembling the selection panel that would select both Lebanese and international judges. Quarterman estimated that it would take a few months, once nominations are received, for candidates to be interviewed, vetted, and appointed. For security reasons, he suggested that appointments of Lebanese and international judges would be made at the same time, even if the Lebanese judges are selected first.

¶7. (C) Emphasizing that Brammertz's successor should be in place by November 2007 to ensure some overlap between the two investigators, Quarterman said OLA was now "actively thinking" about possible names. He mentioned that Michel had discussed the issue with Brammertz on July 11. Whoever is selected to succeed Brammertz should also become the prosecutor of the tribunal, Quarterman argued. Acknowledging that some Lebanese have pushed for the appointment of a prosecutor as a way of transferring responsibility for the four incarcerated generals to the tribunal, Quarterman underscored that the prosecutor would not be able to charge the generals without the judges being in place. Moreover, the UN would have to delay the point at which the new chief investigator would actually become the prosecutor until

sufficient funds are in place to set up the tribunal and cover its expenses for three years. Expressing some exasperation with Lebanese demands for quick action regardless of the steps necessary to establish the tribunal, Quarterman urged the USG to help ensure Lebanese expectations for the court are realistic.

Security: Judges Must Be Protected

18. (C) Quarterman underscored that the UN and the international community have a moral obligation and a pragmatic one to protect the tribunal judges and prosecutor once they are appointed. But he noted that until the appointments are announced, the judges would not be UN employees. Therefore, he emphasized the importance of keeping the list of nominated judges strictly confidential. If the Lebanese conclude it is necessary to protect those nominees before the selections are made, despite the risk that such protection would make it clear which judges have actually been nominated, Quarterman said the UN had proposed that the GOL talk to third countries to secure this protection. Recalling the number of Lebanese politicians who have been assassinated even with close protection details, Quarterman opined that it might be necessary to move the appointed judges outside Lebanon once their names are announced.

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